

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. CR 15-4519 MCA

FIDEL NARANJO and
KENDRA BROPHY,

Defendants.

ORDER GRANTING TRIAL CONTINUANCE

THIS MATTER IS BEFORE THE COURT on *Defendants' Joint Unopposed Motion to Continue the Trial Setting and to Continue the Deadline for Pre-Trial Motions*, filed February 27, 2016. [Doc. No. 27] Defendant brings the motion under 18 U.S.C. §3161(h)(7)(A) and asserts that the ends of justice served by granting the unopposed motion for continuance outweigh the best interest of the public and the defendant in a speedy trial.

The Court having considered the motion, being fully advised in the premises and in light of the recent holding in United States v. Toombs, 574 F.3d 1262 (2009), finds that defendants have by their motion, created a sufficient record to justify granting the motion to continue. See id., 574 F.3d at 1271 (requiring that the record on a motion to continue

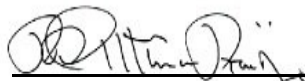
contain an explanation of why the mere occurrence of the event identified by the party as necessitating the continuance results in the need for additional time).

IT IS ORDERED that the Jury Selection/Trial set for April 11, 2016 is VACATED. Call of the Calendar is reset for **May 5, 2016 at 9:00 a.m.** and Jury Selection/Trial is reset for **May 9, 2016 at 9:00 a.m.**, on a trailing calendar at the United States Courthouse, 333 Lomas Blvd., NW, “*Chama*” Courtroom, Fourth Floor, Albuquerque, New Mexico.

IT IS FURTHER ORDERED that pursuant to 18 U.S.C. §3161(h)(7)(A), the Court finds that the ends of justice served by granting the unopposed motion for continuance outweigh the best interest of the public and the defendant in a speedy trial. Therefore, all the time from the filing of the motion until the beginning of jury selection in this matter shall be excluded for the purpose of the Speedy Trial Act.

IT IS FURTHER ORDERED that pretrial motions be filed on or before **March 21, 2016.**

ORDERED this 3rd day of March 2016, in Albuquerque, New Mexico.



M. CHRISTINA ARMIJO
CHIEF UNITED STATES DISTRICT JUDGE

ATTACHMENTS

PRETRIAL DEADLINES

CHANGES OF PLEA	April 25, 2016 no later than 12:00 noon
MOTIONS TO CONTINUE	April 25, 2016 no later than 12:00 noon
MOTIONS IN LIMINE	April 18, 2016 (responses due April 28, 2016 or 8 days after the filing of the Motion)
JURY INSTRUCTIONS	May 2, 2016 no later than 12:00 noon
CALL OF CALENDAR	Thursday, May 5, 2016 at 9:00am

Changes of Plea and Plea Agreements: It is counsel's responsibility to advise the Court of a change of plea. Guilty pleas must be entered before the Court will excuse a jury. All pretrial deadlines remain in effect.

Motions to Continue: Motions for continuance should be filed in accordance with 18 U.S.C. § 3161(h)(7)(A), specifically setting forth the factual grounds justifying the continuance under this statute. In cases involving multiple defendants, counsel must file a joint motion for continuance with all counsel signing the motion. Counsel should not assume that the Court will automatically grant last-minute stipulated motions for continuances.

Motions to extend deadlines should also address the need, if any, to continue the pending trial date.

Any Questions Concerning this Notice Should Be Directed to Chief Judge Armijo's Courtroom Deputy, Ms. Walker at (505) 348-2314.